

Tigard Police Department

Daily Training Bulletin

Use of Force - Duty To Intercede and Report

Topic: Use of Force

DTB Date:

SCENARIO:

This training bulletin is part two of a three-part series.

"What was that all about?" Officer Nora Tran asks, closing the rear door to her patrol vehicle with Ricky Crawford safely confined in handcuffs in the back seat.

"I was about to ask you the same thing," Officer Lauren Wilkerson replies. "He was clearly in custody and under control when I blocked your knee strike. I mean, I couldn't move quick enough to stop you the first time, but I sure wasn't going to let you do it twice. I'm not sure what you were thinking."

"Obviously, we see it differently. I don't really want to get into it now," Officer Tran says. "I hope you're not going to make it a big deal with him," she continues, gesturing to Sergeant Rodney Howard, who rounds the corner in his patrol vehicle.

Sergeant Howard pulls his vehicle alongside Officer Tran's and lowers his window. "I was in the neighborhood and thought I'd stop by to check on a couple of my favorite crime fighters," Sergeant Howard playfully explains. "You guys good?"

"Yep. All good," Officer Tran quickly replies. "I was just leaving to take this guy in for processing. Thanks for the help, Lauren." She climbs into her patrol vehicle, flashes a thumbs up to Officer Wilkerson and Sergeant Howard, and leaves.

Her confusion evident on her face, Officer Wilkerson turns back to Sergeant Howard. "What's that look for? Are you sure you're OK?" he asks.

ISSUE: What reporting obligation does Officer Wilkerson have based on Officer Tran's actions during Mr. Crawford's arrest?

REFER:

300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force (2020 Oregon Laws, c.5, § 2).

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations to a supervisor as soon as feasible (2020 Oregon Laws, c.5, § 2).

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ANALYSIS:

Officer Wilkerson witnessed Officer Tran using unreasonable force and preparing (again) to use force that would have been clearly beyond that which Officer Wilkerson deemed objectively unreasonable under the circumstances. She appropriately interceded to prevent Officer Tran's second unreasonable use of force; however, Officer Wilkerson still has an additional reporting requirement based on what she observed.

CONCLUSION:

Officer Tran is required to report her observations to Sergeant Howard as soon as feasible.

QUESTION:

An officer who observes another officer using force that is potentially beyond that which is objectively reasonable is required to:

ANSWERS:

- (a) Report these observations to a supervisor as soon as feasible.
- (b) Address the situation with another trusted member.
- (c) Defer to the arresting member to cover the incident in their report.
- (d) None of the above.

CORRECT ANSWER:

Report these observations to a supervisor as soon as feasible.